REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, claims 1, 4, and 6 are amended and Claims 3, 7, and 9 are canceled without prejudice or disclaimer. Accordingly, Claims 1, 2, 4-6, 8, and 10 are pending in this application.

Rejections under 35 USC 101

Claims 1-10 stand rejected under 35 USC 101 for preemption. In response, the claims are amended and believed to directed to statutory subject matter for the reasons discussed below.

The Office Action cites *Gottschalk v. Benson*, 409 U.S. 63, 71, 72, 175 USPQ 673, 676 (1972) in its 101 rejection. Applicants respectfully submit that the holding of is misapplied to the instant application. In Benson, the Supreme Court held that a process involving a numerical algorithm was not patentable if 'the patent would wholly pre-empt the mathematical formula and in practical effect would be a patent on the algorithm itself."

Specifically, the claim litigated in Benson recited "[a] data processing method for converting binary coded decimal number representations into binary number representations comprising the steps of…" The Supreme Court held that the "process" claim is so abstract and sweeping as to cover both known and unknown uses of the BCD to pure binary conversion. The court further held the claim not patentable because the claim was not limited to any particular type of programmable digital computer and because the method <u>could be carried out mentally</u>, that the claim would effectively preclude use of the method for any currently known or future invention in any field.

Applicants respectfully submits that the process recited in Claim 1 does not rise to the level of abstraction argued in Benson. As amended, Claim 1 recites a "method of extracting pertinent information from an information base," and comprises steps including:

> identifying an objective to be attained from a target;
>
> characterizing the target as a function of the identified objective;
>
> defining target parameters based upon the characterized target and applying weights to these parameters based upon importance;
>
> selecting a database comprising information pertaining to the target and the identified objective;
>
> evaluating target preferences based upon the database information as a function of criteria specific to the target;
>
> allocating weights to the evaluated target preferences;
>
> applying a morphological filter to database information; and
>
> extracting at least one element that is pertinent to both the target and the objective.

Applicants respectfully submit that not only is the extraction of an element from a data base a tangible result, but furthermore, submit that one skilled in the art would be aware that the method recited in Claim 1 is of a complexity that requires a computer to perform the method.

Applicants respectfully submit, therefore that amended Claim 1 is directed to statutory subject matter and is patentable under 35 USC 101. Withdrawal of this rejection is respectfully requested.

Rejections under 35 USC 112

Claim 1 is rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Office Action alleges that the specification does not a "morphological filter" in such a way as to enable one skilled in the art to make and/or use the invention.

Applicants respectfully submit that the morphological filter is a well known mathematical operator. For example, in addition to "Morphologie Mathematique," by M. Schmitt and J. Mattioli (*see* specification, page 5, lines 14-17), the abstract described at the URL http://db.cwi.nl/rapporten/abstract.php?abstractnr=205, is only one of hundreds of thousands of documents on the Internet (keys words: "morphological filter").

Furthermore, the specification describes thoroughly (implementation of the morphological filters and their essential properties, (*see* specification, page 6, lines 12-15) the filter itself and its use in present invention (*see* specification, page 4, line 19 to page 5, line 17, page 5, lines 33-37 and page 6, line 12 to page 9, line 27).   Therefore, Applicants respectfully submit that one skilled in the art is enabled to use such a filter for solving any "propaganda" problem while taking account at one and the same time of the objective and of the target.

Accordingly withdrawal of this rejection is respectfully requested.

Rejections under 35 USC 103

Claims 1-10 are rejected under 35 USC 103(a) as being unpatentable over *Zahavi* in view of *Mehrotra* ('Applying neural computing to target marketing', referred to as *Zahavi*; Elements of artificial neural networks', referred to as *Mehrotra*). In response, the claims are amended, and as presented below, are believed to be patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicants' recited claim features, but in addition fails to present any apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements.

Zahavi discloses a specific use of neural networks ("NM") in DBM (Database marketing) consisting in selecting in a customer list those who are most likely to purchase goods. The final stage of the process described by *Zahavi* comprises merely

a scoring step that determines whom of the target audience is most-likely to purchase a predetermined product. These steps do not match with our definition of "pertinent information", i.e. finding arguments likely to convince the target by the decision maker. Furthermore, nowhere does *Zahavi* disclose, teach, or suggest "extracting at least one element that is pertinent to both the target and the objective," as recited in amended claim 1.

In addition, *Zahavi*'s method requires the neural network to be trained on past experiences (*see* e.g. page 6, right column, line 7) and in the conclusion at page 19, right column, *Zahavi* admits that "the use of the experiment are not encouraging for the neural net approach." *Zahavi* goes on to state that the "application of NN to address the targeting issues in DBM is not straightforward and definitely not automatic." *Zahavi* appears to <u>teach away</u> from the neural network approach for solving such problems (inasmuch as it requires an extensive amount of explorations and a lot of computer resources (page 19, two last lines and page 20, first line).

Still further, nowhere does *Zahavi* even suggest the use of any morphological filter, as recited by Applicants.

The Office Action relies upon *Mehrotra* to remedy the deficiencies of *Zahavi*. Applicants respectfully disagree. Applicants submit that *Mehrotra* appears to only disclose theoretical concepts of Neural Networks, and like *Zahavi*, appears, in the pages accompanying the Office Action, to only disclose neural networks that need training and are incapable of extracting "pertinent information."

Therefore, Applicants respectfully submit that the combination of *Zahavi* and *Mehrotra* fails to teach the recited information extraction method because 1) *Zahavi* teaches away from neural networks for use with databases, 2) none of these references discloses or suggests the use of morphological networks, and 3) although *Zahavi* may teach extracting specific targets from a database, none of the references teaches a method to extract pertinent information concerning the targets, as recited in claim 1.

Based upon the above, Applicants respectfully submit that, as amended, independent Claim 1 is patentable not only due to the failure of *Zahavi* in view of *Mehrotra* to disclose, teach or motivate all recited features of the claims. Claim 2, 4-6, 8, and 10 depend from this independent claim and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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